



**MINUTES OF THE PUBLIC HEARING OF
MONDAY, AUGUST 4, 2014
AT 200 HIGHLANDS BOULEVARD DRIVE
REGARDING A SPECIAL USE PERMIT REQUEST
TO OPERATE A BOOKSTORE AT 14336 MANCHESTER ROAD**

Mayor David L. Willson called the Public Hearing of the Board of Aldermen to order at 7:00 p.m.

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

The following notice of the public hearing was then read:

“The City of Manchester Board of Aldermen shall hold a public hearing on Monday, August 4, 2014 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

CASE #14-SUP-005 – A request is made by Mr. Ray Hernandez, representative for Lakeshore Learning Materials, for a Special Use Permit to open an educational and teacher supply store involved in the sale of books and videos at 14336 Manchester Road. The property is zoned PBD Planned Business District.”

Mayor Willson advised that first the proponents would speak, then the opponents, and comments from the public, followed by questions from the members of the Board of Aldermen or the City staff, and then a recommendation from the Planning and Zoning Commission.

Mr. Ray Hernandez spoke as a proponent for Lakeshore Learning Materials, and he stated that they are looking for a Special Use Permit to have their store in Manchester. He said they have been in business for over 60 years; it is a privately owned company. He said they offer teaching and educational supplies for the classroom and educational toys for children.

There were no opponents and no comments from the public.

Alderman Ottenad asked about the information received that said there would be items for the children to try out.

Mr. Hernandez said that is true; they encourage that throughout the store. He said there are several interactive areas in the store.

Alderman Ottenad stated she noticed that every Saturday from 11:00 a.m. until 3:00 p.m. there are free crafts for the children. She asked how this takes place.

Mr. Hernandez stated that is correct; they have free crafts for children from 11:00 a.m. until 3:00 p.m. He said there are a couple associates called “craft presenters” who have background working with children, and the parents are also invited to work with the children. They do require parents to be present while children are doing the craft. Materials are provided free. There is one project a week, 52 weeks a year, and the project changes every week.

Alderman Clement asked if they move forward with the Special Use Permit, how long it would take to get the store up and running.

Mr. Hernandez answered that depends on the lease; it would be about two months after possession. They are looking at December to actually open. He said the lease is contingent upon getting the Special Use Permit.

Alderman Hamill questioned why Mr. Hernandez has requested emergency legislation if they actually do not plan to open the store until December. He also asked if there is a signed lease.

Mr. Hernandez stated this is their busy season; during the back-to-school season is when they do 30% of their business. They are also in the process of opening their 60th new store in Albuquerque, New Mexico, so all their energy right now is directed in that area. He said this means if they do get the Special Use Permit, all their energy will need to be focused in Manchester, and because of the timing of it, that is why they are asking for the second reading of the Bill today. Mr. Hernandez stated that he is not sure of the status of the lease.

City Attorney Gunn stated there are two special conditions in the Ordinance. He stated that one condition is that the hours of operation would be Monday through Saturday from 9:00 a.m. until 8:00 p.m. and Sunday from 11:00 a.m. until 6:00 p.m., and the other condition is that they would also engage in the sale of videos. Mr. Hernandez agreed to the conditions.

Alderman Clement advised that the Planning and Zoning Commission was unanimous in their support of this request.

Mayor Willson closed the public hearing at 7:11 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC-S
City Clerk

***Note:** This is a journal of the Public Hearing held August 4, 2014 regarding the Special Use Permit Request to operate a bookstore at 14336 Manchester Road, (summary); not a verbatim transcript. If a recording of the public hearing is desired, please contact City Hall.*



**MINUTES OF THE PUBLIC HEARING OF
MONDAY, AUGUST 4, 2014
AT 200 HIGHLANDS BOULEVARD DRIVE
REGARDING A SPECIAL USE PERMIT REQUEST
TO OPEN A NOT-FOR-PROFIT EDUCATIONAL INSTITUTION
AT 929 BIG BEND ROAD**

Mayor David L. Willson called the Public Hearing of the Board of Aldermen to order at 7: 11 p.m.

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

The following notice of the public hearing was then read:

“The City of Manchester Board of Aldermen shall hold a public hearing on Monday, August 4, 2014 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

CASE #14-SUP-006 – A request is made by Mr. Jamal Hafidh, representative for Al Manara Academy, for a Special Use Permit to open a not-for-profit educational institution at 929 Big Bend Road. The property is zoned R-4 Single Family Residential.”

Mayor Willson advised that first the proponents would speak, then the opponents, and comments from the public, followed by questions from the members of the Board of Aldermen or the City staff.

Mr. Rashid Muhammad spoke on behalf of the request from Al Manara Academy. He said the Al Manara Academy is an elementary school, serving children from kindergarten through eighth grade. They are currently located by Sam’s Club and looking forward to moving to a bigger location. They have worked out a deal with the Lafayette Bible Baptist Church. Mr. Muhammad advised that it is a private school, and they offer all regular education, such as: math, science, social studies, history, English, and a religious component learning about God and being dutiful to God and their fellow men. He advised that they got accreditation in the first year, and also tax-exempt status. This is the 3rd year of being in business. He said enrollment last year was about 130 to 140 students, and enrollment will probably be 140 to 150 students this year, more than the previous school. He said that they start pretty early in the day; students start arriving around 7:00 a.m., and

school begins at 7:30 a.m. He said that parents drop the students off during intermittent periods, there are about five or six cars at a time over the half-hour period; there are about 30 families that drop off students for the school.

Alderman Ottenad asked what time school is over; what time everybody would be off the grounds.

Mr. Muhammad stated that school is over at 2:00 p.m., so most students leave around 2:00 p.m., but some students might be there until 3:00 p.m. with after-school programs.

Alderman Clement asked if the new space will accommodate everybody they have or if there is room to grow.

Mr. Muhammad answered that they will have room to grow. He said the space by Sam's Club is 5,000 square feet and the space on Big Bend is about 10,000 square feet.

Alderman Clement asked Mr. Muhammad to explain about families using part of the space as a gathering area.

Mr. Muhammad answered that on Friday there is a worship service from 1:00 until 1:45 p.m., otherwise, it would just be school in session.

Alderman Clement asked if there is much traffic on the property after 5:00 p.m.

Mr. Muhammad responded that there may be five to eight cars that come after 5:00 p.m. for evening prayer each day.

Alderman Clement asked about lighting for the area.

Mr. Muhammad answered that in addition to the lighting already there, they would be adding floodlights and cameras.

Alderman Clement asked Mr. Muhammad to make sure any lighting added does not seep over into the neighbors' properties.

Alderman Ottenad asked Director Krintz to check out the lighting. She asked if the lighting would be brought to him to be checked on.

Director Krintz stated staff can make sure it is compliant.

Mr. Muhammad stated he can go back to the Board and discuss the lighting. He said what is already there is most likely sufficient.

Alderman Clement stated the Board's expectation is lighting at night will not intrude into other properties.

Mr. Muhammad stated he will tell them to plan on not having extra lighting.

Alderman Ottenad asked if there is prayer service over the weekend.

Mr. Muhammad answered that there is prayer over the weekend. There should be the same number of cars, about 5 to 8 cars throughout the day. Each prayer is 10 to 15 minutes; no one is required to come.

Alderman Stevens asked about the capacity to grow, what might ultimately be the maximum enrollment.

Mr. Muhammad answered he doesn't see exceeding 200; he suspects enrollment may be 170 to 175.

Alderman Hamill asked about all the different times for prayer service, from earliest to latest.

Mr. Muhammad stated today there was prayer around sunset, and some people come back around 10:00 p.m. for evening prayer. Morning prayer is early, when people are going to work, and some come around 1:00 p.m. There is no music going on in any of the services and no loud noises.

Alderman Ottenad asked if lighting is desired that there be an addition to the Ordinance that lighting must be approved by the City, or there would be no additional lighting.

Mr. Ron Kelam, a Manchester resident for 30 years whose property at 1232 Dornewood Place joins the property of the proposed church, said he has gone through four different proposals for that property. The biggest objection is the flow of traffic. He said Big Bend Road at Hanna Road is a very busy and dangerous intersection.

Alderman Hamill asked if Mr. Kelam had problems with the church that is currently there in terms of traffic.

Mr. Kelam answered that they didn't have a problem with traffic because church was just held on Sundays, and it was a small church.

Ms. Sandy Clark, 1233 Dornewood Place, stated she is concerned about safety of the people. She is in favor of the school, but she would have a request that some more privacy be provided. Ms. Clark stated that from her kitchen table, the dumpster can be seen. She has some more questions about the noise level and if there are any outside activities.

Mr. Jim McLaughlin, 1220 Dornewood Place, stated there are no traffic problems now during the weekday or at night, but he has some safety concerns. He said he is not comfortable with cars coming to the property up to 10:00 p.m.

Ms. Jackie Kelam, 1232 Dornewood Place, stated the Baptist Church only had about 50 students, and they recessed at different times. Ms. Kelam said she is wondering what outside activity plans there are and how many children would be involved. She said she is concerned about the noise level. She would also like to know about the upkeep of grounds, i.e. mowing the lawn; maintaining the playground, and making improvements to the house that is located there. She is wondering if the house is part of the purchase.

Ms. Kelam said she also wondered about the families using the space as mentioned, whether it is for parties, etc. She said during the vacation bible school one week each summer, there were

loud speakers. She said she would like to know how this church is going to be run. She also inquired about the flood lights. She said they have trees, but she is wondering if the trees are going to hide the lights from their backyard.

Mr. Mike Chase, 923 Hanna Bend Court in the Villas at Hanna Bend asked if this is a lease or a purchase. He said they have a good relationship with the current church. He said his concern is in regard to the traffic on Big Bend. It is a busy street with no left turn lane into it. He said he wondered about the three pieces of property, the 5,000 square foot school, the 7,000 square foot church, and the residence. He asked what the plans for the residence are. He said his biggest concern is size and traffic.

Mr. Scott Bader, 827 Mallard Woods Drive, Audubon Woods Subdivision, said he drives on Big Bend at 7:00 a.m. in the morning and it is not fun. He wanted to talk about generalities heard in regard to the number of students, cars and traffic, and about the people living around the schools and churches hearing those noises. Mr. Bader said that once a decision is made to allow this group in, there is the potential to go the wrong way in time. People have to jump through hoops, and he hasn't heard any questions answered positively. Mr. Bader said he is highly opposed to this and would not vote for it.

Mr. Mark Buehler, 878 Mallard Woods Drive, stated he opposes this move in. He believes there have been some good questions in regard to the number of people who will be there. He said the church and school are moving from a bad location to a good location in the middle of a neighborhood, and he believes the enrollment will double. Mr. Buehler said his concern is all about safety.

Mr. Muhammad stated relationships with neighbors are valuable and important. He said the amount of space they have now is 5,000 square foot, this one is 10,000 square foot. Classes are in a small space and the worship area also is a small space. At the new location on Big Bend, they would keep the one area as the church; there is no intention of having that as a school area. They have dividers, such as cubicles in an office. Some classes have 10 to 15 children. Mr. Muhammad said there is no foresight of becoming a school of 300 students; that wouldn't work. Mr. Muhammad said he gave a conservative high number. Mr. Muhammad said regarding noise outside, the recess times are split up with about 15 children out at a time for ½ hour recess; the noise level will be just the normal amount of sound heard previously. He said that as far as the upkeep of grounds, they will mow the lawn and take care of the landscape. He said someone asked about the lighting, and they will follow through with the recommendation of not putting in any additional lighting, but what is already there will stay. Mr. Muhammad said that for construction of a fence behind the dumpster, they have to talk about that with the landlord. In regard to traffic, they have about 30 families with between two and four children each. Arrival will be staggered between prayer time and when school starts.

Attorney Patrick Gunn stated there was a question about the home on the property.

Mr. Muhammad answered the home will continue to be rented. There is an elderly lady who lives there and she will remain. Mr. Muhammad said that residential property is not part of their lease.

Alderman Hamill asked if there is any other outside activity.

Mr. Muhammad stated two times a year, there is a big celebration, but they usually go to a park. This year, they went to Queeny Park for their big celebration. He said they might want to have it on the field there, but it will last less than an hour. Mr. Muhammad said they will talk with neighbors about it if they plan to have the celebration on the property. There is no music, no noise; just someone will give a message and the children will play.

Alderman Hamill wanted it verified that event takes place outside, and he wanted to know how many people attend.

Mr. Muhammad answered that it is outside, and in attendance there would be around 100 to 200 people.

Alderman Clement asked if they would be open to a suggestion to put a cap on the school/student size so if there is a need to go beyond that, they would have to come back and review the Special Use Permit. Alderman Clement said a lot has been heard about the size and the traffic. He wonders if there has been any meeting with the neighbors.

Mr. Muhammad answered that no one has met with the neighbors.

Alderman Clement stated he would have supported emergency legislation, but he now feels they need to meet with neighbors. He said there has been good discussion here tonight, but there is more work that needs to be done, such as spending some time getting to know and meet the neighbors.

Alderman Ottenad stated she will not call for emergency legislation this evening.

Alderman Ottenad stated they need to know about the fences. There were lots of things brought up tonight where there are no answers.

Alderman Stevens stated she is also trying to get a handle of the realization of what the traffic might be like, some reality. She asked if any of the 30 families carpool. She also asked during this ½ hour, the rush hour, how many cars there are currently entering or existing the property.

Mr. Muhammad stated currently they have between 20 and 25 cars coming between 7:00 a.m. and 7:30 a.m., and there is carpooling. He said there are 5 to 10 cars coming in at a time, staggered, and they leave in the same fashion. He said they would like emergency legislation, because school starts right after Labor Day, and they are trying to have enough time to relocate and set up the classrooms. He would like to propose moving forward, but with the understanding that they will communicate with neighbors, because relationship is very important. That is something that should have been done beforehand. Not having been involved in public hearings before, he didn't know that is what takes place. Mr. Muhammad made the request that the Board still consider emergency legislation.

Alderman Ottenad asked why this was brought to the Board of Aldermen so late, knowing they want to be ready for September classes.

Mr. Muhammad answered Lafayette Bible Baptist Church and Al Manara Academy began the process in April. It took time to reach an agreement on the lease. The Church is good to work with.

Alderman Ottenad stated Mr. Muhammad has a captive audience right now. She would suggest he take advantage of the moment and set up a time to get together and work through some of the questions after the public hearing is finished.

Alderman Hamill asked about terms of construction and if there are any plans.

Mr. Muhammad answered there is no construction planned. As far as the fence, they weren't planning on one because there currently isn't one there now, but if there needs to be one, they will pursue that.

Alderman Hamill asked if there is anything in the interior needing to be fixed.

Mr. Muhammad answered there are no interior construction plans.

Alderman Hamill asked if there is a signed lease right now.

Mr. Muhammad stated the lease started August 1. He has the key.

Attorney Gunn advised that there are two meeting spaces available in the City, and Mr. Muhammad is welcome to contact Mr. Kraintz to figure out a meeting date and location. Mr. Kraintz can provide a list of the people invited to the public hearing. The list included those people living within a certain distance of the property.

Alderman Stevens stated one of issues voiced by many was the outside activity issue. She said Mr. Muhammad said they stagger recess; she would like to know when the recesses are scheduled.

Mr. Muhammad stated the first class is at recess at 10:00 a.m. and the last class is at recess at 1:15 p.m.

Alderman Hamill asked about the expiration of the lease at the Sam's Club facility.

Mr. Muhammad answered that it expires at the end of this month.

Alderman Clement informed Mr. Muhammad that he is not going to support emergency legislation. He said there are too many unanswered questions. He said they are late in the process, but that is not the City's burden. Alderman Clement said that the members of the Board of Aldermen have to be fair to the school and the neighbors.

Alderman Ottenad asked who would determine what is being added to this Bill.

Attorney Gunn stated he has kept notes of many of the comments made; there are some restrictions involved.

Mr. Muhammad stated the realtors on both sides had the understanding this would be a smooth transition since the property is already being used as a church and a school.

Attorney Gunn stated the next Board of Aldermen meeting will be on August 18.

Alderman Clement stated they aren't saying this isn't going to be a smooth transition, but trying to get everything done in one meeting is a mistake. The first reading needs to be tonight, and then they will come back in two weeks. Aldermen Clement said there needs to be more dialogue.

Alderman Stevens stated that during the time that is transpiring between meetings, she is hopeful that a relationship is built, and that there has been discussion about traffic concerns and compromises; there needs to be a compromise. She is looking forward to hearing the result of that dialogue between now and August 18.

Alderman Ottenad stated if nothing has happened in the next two weeks, nothing will happen at the next meeting. She said they have to take into consideration the people who already live there.

Ms. Sharon Sweet, 927 Hanna Bend Court in the Villas of Hanna Bend, stated the current school has 25 students; with never more than 40, and that is completely different than what is proposed. Sunday services versus four to five times a day for prayer is also much different. This is not an identical use.

Alderman Schrader stated there were concerns about traffic and people using the Villas of Hanna Bend as a drop off point. He would like assurance that children will not be dropped off at the Villas.

Mr. Muhammad stated that would not be acceptable. People would be expected to use the driveway.

Alderman Schrader stated that widening Big Bend Road or putting in a turn lane is not Manchester's responsibility; that would be St. Louis County's project.

Mr. Muhammad stated they have never had any issues, they are a good group. They are beginning school after the Labor Day weekend. He again questioned having the second reading tonight.

Attorney Gunn stated that Mr. Muhammad will need to come back on August 18, after he has met and shared thoughts with concerned citizens.

Mr. Muhammad asked if there is ever a situation when there is a meeting between those two weeks.

Attorney Gunn stated there is the option of having a special meeting, but that is rarely exercised.

Mr. Muhammad stated he would like to request a special meeting by the council.

Alderman Clement advised that the Planning and Zoning Commission gave their unanimous support.

Mr. Kelam, 1232 Dornewood Place, said 125 students with 20 to 25 cars is not reasonable.

Mayor Willson closed the public hearing at 8:06 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC-S
City Clerk

***Note:** This is a journal of the Public Hearing held August 4, 2014 regarding a Special Use Permit Request to open a not-for-profit educational institution at 929 Big Bend Road, (summary); not a verbatim transcript. If a recording of the public hearing is desired, please contact City Hall.*



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, AUGUST 4, 2014
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 8:06 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES

- a. Minutes of the July 21, 2014 continued Public Hearing in regard to the Special Use Permit Request to rent and lease motor vehicles at 27 Stonegate Center

Alderman Clement and Alderman Hamill simultaneously made the motion to approve the Minutes of the July 21, 2014 continued Public Hearing in regard to the Special Use Permit Request to rent and lease motor vehicles at 27 Stonegate Center. The motion was seconded by Alderman Schrader and carried unanimously, without objection.

- b. Minutes of the July 21, 2014 Regular Board of Aldermen meeting

Alderman Clement made the motion to approve the Minutes of the July 21, 2014 Regular Board of Aldermen meeting. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Mayor Willson advised there are a couple boy scouts he will be introducing before comments from the public.

Alderman Clement made the motion to approve the Order of Items on the Agenda as amended. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Introduction of Boy Scouts

Mayor Willson introduced Boy Scouts Tristan Henschel and Aidan Sawall of Troop 801 who are both working on their Communications merit badges.

b. Comments from the Public

There were none.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Willson reported on July 29 he attended the Missouri Municipal League Resolutions Committee meeting. On the 30th he attended the ribbon cutting at Lucky's where Straub's was previously located. He attended the senior staff meeting on July 31st. On August 1, City Administrator Hixson and he attended the Parkway Administrator's Meeting where thoughts about bond issues were presented, and the District asked for a tax increase. Later that same day, City Administrator Hixson, Chief Walsh, Captain Milligan, Officer Dave Ebert and he went to Lafayette Industries "Hot Dog Day" which celebrated 1852 days with no loss of time and no accidents on the job. Mayor Willson stated the Concert Friday night was good; but it did rain.

Mayor Willson reminded everyone to go out and vote tomorrow. He said there are critical issues on the ballot.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. List of Paid Bills (Warrant dates of July 21 – August 1, 2014)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement stated they did not meet but there is an agenda for next Monday.

b. Homecoming Committee

Alderman Ottenad stated they did not meet but there will be a meeting on August 13.

c. Manchester Arts

Alderman Stevens stated they did not meet in July, but August 17 is the Community Band Concert, it will be an evening of show tunes. It should be a good evening and a nice way of rounding out the summer.

9. ACTION ON OLD BILLS

- a. SUBSTITUTE BILL # 14-2194 - AN ORDINANCE APPROVING A SPECIAL USE PERMIT REQUEST TO RENT AND LEASE MOTOR VEHICLES AT 27 STONEGATE CENTER

Alderman Ottenad said before she read the Bill she wanted to know if Manchester received landscaping plans.

Director Kraintz stated the City did receive them today. He said there was some tall grass type of shrubbery that lined both entrances, at the north entrance of the Stonegate Plaza and on the Meramec Station Road side, but it did not run down the full length of the property.

Alderman Clement asked Director Kraintz if he believes what was submitted is acceptable.

Director Kraintz answered he felt it met the spirit of what the commission recommended.

Alderman Ottenad stated this is a substitute bill because the original did not have hours of operation.

Alderman Ottenad read for the second time Substitute Bill # 14-2194, entitled: "AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO CLARENCE WILLIAMS, DOING BUSINESS AS "THE SHIP AND MAIL CENTER", TO OPERATE A RENTAL AND LEASING BUSINESS AT 27 STONEGATE CENTER, AS PROVIDED FOR IN SECTION 405.250 (C) (29) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER", by title only.

Alderman Ottenad made the motion that Substitute Bill # 14-2194 become Ordinance # 14-2077. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Clement – aye
Alderman Stevens – aye
Alderman Hamill – aye
Alderman Diehl – aye
Alderman Schrader – aye
Alderman Ottenad - aye

Mayor Willson announced the Bill passed with a vote of 6 to 0, with no objections.

- b. BILL # 14-2195 - AN ORDINANCE PROVIDING FOR DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTEREST FOR CERTAIN CITY OFFICIALS

Alderman Stevens read for the second time Bill # 14-2195, entitled: "AN ORDINANCE RE-AFFIRMING THE PROVISIONS OF SECTIONS 120.010 THROUGH 120.070 OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, WHICH SECTIONS

ESTABLISH A PROCEDURE TO PROVIDE FOR THE DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTEREST FOR CERTAIN MUNICIPAL OFFICIALS OF THE CITY OF MANCHESTER”, by title only.

There being no questions, Alderman Stevens made the motion that Bill # 14-2195 become Ordinance # 14-2078. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Stevens – aye
Alderman Hamill – aye
Alderman Diehl – aye
Alderman Schrader – aye
Alderman Ottenad – aye
Alderman Clement – aye

Mayor Willson announced the Bill passed with a vote of 6 to 0, with no objections.

10. INTRODUCTION OF NEW BILLS

a. RESOLUTION APPROVING PURCHASE AND INSTALLATION OF ELECTRONIC LED SIGNBOARD FOR THE PARK

Alderman Diehl read proposed Resolution # 14-0501, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO AN AGREEMENT WITH ZIGLIN SIGNS, INC. IN AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND SIX HUNDRED EIGHTY-FIVE DOLLARS AND SIXTY CENTS (\$32,685.60), WHICH INCLUDES A THREE PERCENT (3%) CHANGE ORDER IN THE AMOUNT OF NINE HUNDRED FIFTY-TWO DOLLARS AND ONE CENT (\$952.01) IN THE EVENT OF UNFORESEEN CONDITIONS, FOR THE PURCHASE OF A DAKTRONICS ELECTRONIC LED SIGNBOARD AND INSTALLATION AT SEIBERT PARK”, by title only.

Alderman Diehl made the motion for approval of Resolution # 14-0501. The motion was seconded by Alderman Clement and carried unanimously, without objection.

b. RESOLUTION APPROVING PURCHASE OF ROAD SALT

Alderman Schrader read proposed Resolution # 14-0502, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO EXPEND THE SUM OF ONE HUNDRED SIX THOUSAND FIVE HUNDRED NINETY DOLLARS (\$106,590.00) FOR THE PURCHASE OF ROAD SALT FOR THE 2014-2015 WINTER SEASON FOR USE BY THE CITY OF MANCHESTER”, by title only.

Alderman Clement stated most saw the St. Louis Post Dispatch article that bears out this increase. He asked what the City budgeted for 2014.

Director of Public Works Bob Ruck stated the City budgeted for \$50,000. He advised that the City has already spent \$29,000 so far this year. Last winter had the most snow since 2010-2011.

He said it is hard to pick a number, so the City Administrator, Finance Director and he decided to go with \$50,000. He said the cost of salt went up \$21 a ton this year. Some cities can't even get a quote for salt.

Alderman Schrader made the motion for approval of Resolution # 14-0502. The motion was seconded by Alderman Clement and carried unanimously, without objection.

c. **BILL AMENDING THE CODE RELATING TO CARRYING A CONCEALED WEAPON**

Alderman Clement introduced Bill # 14-2196, entitled: "AN ORDINANCE AMENDING SECTION 210.311 OF THE CODE OF ORDINANCES RELATING TO CARRYING A CONCEALED WEAPON", by title only.

Alderman Clement asked Chief Walsh to read his statement.

Chief of Police Timothy Walsh stated the topic of open carry and how it might affect the Manchester community originally came to his attention by Officer John Coyle. Chief Walsh said Officer Coyle directed his attention to a growing number of news reports across the country that showed groups of heavily-armed individuals gathering at public locations. As these news stories reported, the people could do so because no law prohibited their actions. In response to Officer Coyle's input, he discussed this with the City Attorney and together they determined that the matter should at least come to the attention of the City's elected officials before something like these news stories actually occurred here.

Chief Walsh stated it should be known that Officer John Coyle is a strong proponent of the Second Amendment, and so is he. He has always felt that citizens should have the right to bear arms. He has supported the use of concealed-carry permits, and he finds individuals who apply for and receive them are generally law abiding citizens who fill their civic responsibilities. Because of the job he has chosen, he has been around guns and people who carry them his entire life. Chief Walsh said he owns a good number of guns himself, and he, along with his wife and son, will continue to use them. As the Police Chief he has always attempted to guide officers toward maintaining general peace of the community while they work to establish an environment which lends itself to providing our residents with a sense of safety and security. As an example, it is the Police Department's practice of posting an officer at each elementary school as they open each morning and close for dismissal. Frankly, he feels that groups of armed individuals openly carrying long guns to public events, open businesses, or City functions would likely intimidate many of the residents, and it would clearly have an impact on the environment of safety and security that the Police Department sought to develop.

Alderman Clement asked if we are alone taking this step. He wondered if there are other neighboring communities doing the same types of things.

Chief Walsh stated there are 11 communities in St. Louis County that have passed legislation, which may vary in word, but prohibit open carry. Among those are Clarkson Valley, Winchester, Fenton, St. Louis City, and Edmundson.

Alderman Clement stated he believes also Kansas City has enacted legislation prohibiting open carry. He read the last sentence of the Bill, and identified the differences to the other Bill, and he hopes it clarifies the concerns.

Chief Walsh stated he is not the City Attorney, but his impression is that this Bill allows for the use of firearms, if going to the range or carrying to the car, but it does not allow standing in a public place holding a long gun just for the sake of holding it.

Attorney Gunn agreed that is the intent. It is not to prohibit cleaning your gun on your back porch or having a picture of you with your gun on the front porch or carrying it to or from your home.

Alderman Diehl stated that he understands in Jefferson City, a law was passed last session and it was vetoed by Governor Nixon. They are going to try to override his veto in September, and if that happens, this will be mute.

Attorney Gunn stated it might impact the City's Bill, but we're not there yet.

No further action at this time.

d. BILL # 14-2197 APPROVING A SPECIAL USE PERMIT TO OPERATE A BOOKSTORE AT 14336 MANCHESTER ROAD

Alderman Stevens introduced Bill # 14-2197, entitled: "AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO LAKESHORE EQUIPMENT COMPANY D/B/A LAKESHORE LEARNING MATERIALS TO OPERATE A BOOKSTORE AT 14336 MANCHESTER ROAD, AS PROVIDED FOR IN SECTION 405.285(C)(3) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER", by title only.

Alderman Stevens stated that emergency legislation has been requested by the applicant. She made a motion for approval of emergency legislation. The motion was seconded by Alderman Clement and carried unanimously, without objection.

Alderman Stevens read for the second time Bill # 14-2197, entitled: "AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO LAKESHORE EQUIPMENT COMPANY D/B/A LAKESHORE LEARNING MATERIALS TO OPERATE A BOOKSTORE AT 14336 MANCHESTER ROAD, AS PROVIDED FOR IN SECTION 405.285(C)(3) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER", by title only.

Alderman Stevens made the motion for Bill # 14-2197 to become Ordinance # 14-2079. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Hamill – aye
Alderman Diehl – aye
Alderman Schrader – aye
Alderman Ottenad – aye

Alderman Clement – aye
Alderman Stevens – aye

Mayor Willson announced the Bill passed with a vote of 6 to 0, with no objections.

e. BILL APPROVING A SPECIAL USE PERMIT FOR A NOT-FOR-PROFIT EDUCATIONAL INSTITUTION AT 929 BIG BEND ROAD

Alderman Ottenad introduced Bill # 14-2198, entitled: “AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO AL MANARA ACADEMY TO OPERATE A NOT-FOR-PROFIT EDUCATIONAL INSTITUTION AT 929 BIG BEND ROAD, AS PROVIDED FOR IN SECTION 405.210(B)(1) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER”, by title only.

No further action at this time.

11. MISCELLANEOUS

a. Comments from the Public

Mr. Dale Schmid, 517 Connie Lane, stated he doesn't agree with the firearms law being proposed. He remembers in the 1960's, Huey Newton and the Black Panthers were protesting the misapplication of justice to the black community. To get attention, they displayed M-1 Garands and M-1 Carbines, WWII types of firearms, which were very effective, and they paraded around and everyone said there was no law to prohibit it. Then, all across the United States, including the City of Manchester, Huey Newton laws prohibited open display of firearms. If the vetoed legislation at the state level is overridden, this Ordinance will be moot. He said depending on Amendment 5, and if it is supported, then the wave of pro-second-amendment feeling will be strong enough that any kind of political posturing will be looked on poorly. Mr. Schmid said if there is anyone who shows up with a rifle with evil doing, that is just power and violence. He said since there have been no problems in this area; this is a solution to a non-problem.

Alderman Hamill stated Dale Schmid made a comment about carrying long guns in Manchester; his understanding is that was never allowed, and this doesn't change that.

Mr. Hal Roth, 48 Pas Drive, asked for clarification of what City Attorney Gunn said. If he comes back from his hunting trip and wants to sit in his backyard and clean his gun, he will be put in jail. That is up to the Judge.

Alderman Clement said he thinks that was just addressed by Chief Walsh.

Mr. Dale Schmid stated the City should have a narrowly-focused Ordinance; that is the best one. The City should try to avoid trouble. This law might be unnecessary and overly broad.

12. EXECUTIVE SESSION:

- a. Closed Session: Pursuant to Section 610.021 (1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys.

Alderman Hamill made the motion to go into Closed Session: Pursuant to Section 610.021 (1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys.

The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Diehl – aye
Alderman Schrader – aye
Alderman Ottenad – aye
Alderman Clement – aye
Alderman Stevens – aye
Alderman Hamill – aye

Mayor Willson announced the vote passed 6 to 0, with no objections.

13. ADJOURNMENT

At 9:30 p.m., after the Executive Session, there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Clement and carried unanimously, without objection. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC-S
City Clerk

***Note:** This is a journal of the Board of Aldermen meeting held August 4, 2014 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*